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IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: John A. Macoviak
Appn. Number: 09/666,617
Filing Date: September 20, 2000
Appn. Title: Heart Valve Annulus Device and Method of Using Same
GAU: 3738
Examiner: Alvin J. Stewart
Docket Number: CONFO.49060

DB
3-13-02
#5

Mailed: February 14, 2002
at Sunnyvale, CA

PROVISIONAL ELECTION

Commissioner of Patents and Trademarks
Washington, District of Columbia 20231

Sir:

This election is in response to the Office Action mailed January 14, 2002.

Provisional Election:

Applicant provisionally elects to prosecute Group I, Species I, Figures 1-4, including claims 1-27 and 36-49. This election is made with traverse. Currently, several of these claims are generic to the various species.

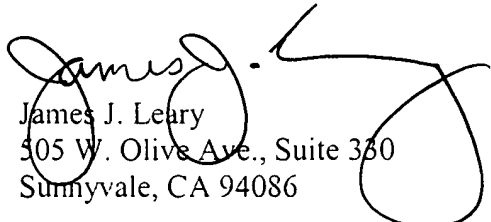
which ones?

CONCLUSION

For all the reasons above, Applicant submits that the claims all define novel subject matter that is nonobvious. Therefore, allowance of these claims is submitted to be proper and is respectfully requested.

Applicant invites the Examiner to contact Applicant's representative as listed below for a telephonic interview if so doing would expedite the prosecution of the application.

Very respectfully submitted,


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